

E-FILED on 9/20/12

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

INNOVUS PRIME LLC.,

Plaintiff,

v.

PANASONIC CORPORATION,
PANASONIC CORPORATION OF
AMERICA.,

Defendants.

No. 12-CV-00660 RMW

ORDER REGARDING SUMMARY
JUDGMENT AND BRIEFING SCHEDULE

On August 31, 2012, the court held a hearing on plaintiff's Rule 56(d) motion. The court continued the September 21, 2012 hearing on Panasonic's motion for summary judgment and ordered the parties to meet and confer regarding the scheduling of discovery, as well as further briefing and a hearing on defendant's summary judgment motion. The parties have been unable to reach an agreement.

It is hereby ordered that plaintiff may take the deposition of the two witnesses who submitted declarations in support of Panasonic's motion for summary judgment, Mr. Watanabe and Mr. Peters. The witnesses may appear voluntarily at any location agreed upon by the parties, or their depositions may be taken pursuant to the Hague Convention. Panasonic shall produce documents in its possession, to the extent they exist, reflecting communications between Philips and Panasonic

1 during the negotiation of the 1982 and 2007 Agreements regarding the scope of the non-assert and
2 correspondence between Panasonic and Philips regarding the declarations submitted in support of
3 the summary judgment motion. Plaintiff may request similar documents from Phillips. Panasonic
4 shall produce the documents in its possession at least two weeks prior to the taking of either
5 deposition.

6 Given that plaintiff may need to proceed by way of the Hague Convention, and that all other
7 discovery is currently stayed, the court sees little prejudice in delaying the close of summary
8 judgment-related discovery as requested by plaintiff. Accordingly, the court orders the following
9 schedule:

10 April 30, 2013: Close of Summary Judgment-related discovery

11 May 10, 2013: Last day for defendants to re-file MSJ

12 May 24, 2013: Last day for plaintiff's opposition

13 May 31, 2013: Last day for defendants' reply

14 Date TBD: MSJ Hearing

15 In the event that Panasonic can facilitate the discovery of materials requested from Phillips
16 or otherwise obviate the need to use the Hague Convention, the court will consider a motion to
17 expedite this schedule.

18 It is so ordered.

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20 DATED: _____9/20/12____



21 RONALD M. WHYTE
22 United States District Judge
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